

REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Final Office Action dated September 8, 2005, claims 1-7 are pending in the application. Applicants respectfully request the Examiner for reconsideration.

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Matsumoto* (4,976,330). Claim 1 includes three roll condition detectors that generate a first, second, and third roll condition, respectively. A controller coupled to those detectors determines wheel lift in response to the first roll condition, second roll condition, and third roll condition. Applicants respectfully submit that each and every one of these elements is not present in the *Matsumoto* reference. As described in the specification, various ways to determine a roll condition are set forth. Roll condition determines whether or not the wheels are lifted or potentially lifted. Each of the roll conditions are independent and use several different sensors for the determination. Applicants have reconsidered the remarks with respect to the previous response. Applicants believe that only one roll condition is set forth in the *Matsumoto* reference in Col. 4, lines 24-37. This passage clearly determines liftoff in one manner. The liftoff is determined using the lateral vehicle acceleration exceeding a reference value and the wheel stroke of at least either of the inside wheels of the vehicle taking a turn that also exceeds a predetermined limit. This is set forth in lines 34-37. Thus, both of these conditions must be met for wheel liftoff to be determined. Earlier in this paragraph *Matsumoto* states that the lateral vehicle acceleration uses the vehicle velocity and the steering angle. These are not roll conditions as is set forth in the present claims. These are one-way or one roll condition as defined in the present specification. Roll conditions may be determined in many ways but include, but are not limited to, the roll radius-based wheel departure roll angle, longitudinal wheel slip ratio, slip rate wheel lift, normal loading wheel lift, road torque wheel lift, and the like. In each of these various conditions sensors are used to make the roll condition determination. The reason several conditions are set forth is many of these are passive and thus only provide an indication for potential rollover or wheel lift. Thus, by using three different detection methods, the vehicle dynamics may be categorized and a more accurate wheel lift determination may be set forth. Applicants respectfully submit that only one way to determine wheel lift is set forth in *Matsumoto* using both the lateral acceleration and the wheel stroke. It is clear each one of these alone is not adequate to determine wheel lift. Wheel stroke alone can only be determined to a maximum extent of the suspension. Once the suspension maximizes its stroke, no determination can be determined if the wheel is lifted or not. However, if the lateral acceleration

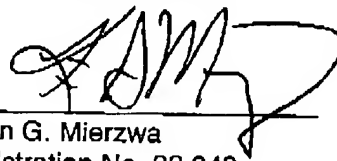
is used as in *Matsumoto*, a heavy lateral acceleration combined with a full extension of the stroke of the wheel will provide an indication. Lateral acceleration alone may also not provide an adequate indication alone of wheel lift. This is why *Matsumoto* uses wheel stroke and lateral acceleration to determine his one roll condition. Therefore, Applicants respectfully submit that *Matsumoto* only teaches one roll condition and therefore does not meet the three roll condition limitations set forth in the claim. The roll conditions themselves are not sensors alone but various ways to determine wheel lift. Therefore, Applicants respectfully request the Examiner to reconsider the rejections above.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsumoto*. Claim 4 depends from Claim 3. Claim 4 recites that the passive wheel lift status signal comprises a plurality of levels. Applicants can find no teaching or suggestion for providing a plurality of levels. The Examiner points to Col. 3, lines 40-54, and Col. 4, lines 43-56. In these cases, the lateral acceleration signal and the wheel stroke signal are compared to predetermined limits or thresholds. These are not various levels or degrees of liftoff and therefore, Applicants respectfully request the Examiner to reconsider the rejection of Claim 4.

In light of the above remarks, Applicants submit that all rejections are now overcome and the application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, he is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to deposit account 06-1510 or, if insufficient funds in that account, use deposit account 06-1505.

Respectfully submitted,



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